



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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May 11, 2023

VIA ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2203
New York, New York 10007

Re: *State of New York v. Arm or Ally, LLC, et al.*, No. 22-cv-06124

Dear Judge Furman:

On behalf of Plaintiff the People of the State of New York (the “State”), I write to update the Court regarding Indie Guns, LLC’s failure to comply with this Court’s Order, dated April 3, 2023, ECF No. 172, requiring it to serve a log on the State enumerating each material or document that is known to be fully or partially destroyed by April 24, 2023. By letter dated April 25, 2023, the State advised Indie Guns that if the State did not receive Indie Guns’ log by April 28, 2023 or, in the alternative, if Indie Guns did not file a notarized affidavit swearing that there are no such destroyed documents with the Court by April 28, 2023, the State would take appropriate next steps.

As of May 9, 2023, Indie Guns has neither served its log on the State nor filed an affidavit with the Court. Although Indie Guns has failed to comply with the Court’s Order and is therefore in contempt, *see* ECF No. 172 at ¶ 10, in the interest of judicial economy, the State respectfully requests that the Court defer any motion practice concerning this failure until after Defendants’ motions to dismiss are resolved. Accordingly, unless otherwise directed, the State will make the appropriate application within two weeks of this Court’s ruling on Defendants’ motions to dismiss concurrently with the State’s motion for default judgment, if appropriate. *See* ECF No. 169 (Order setting schedule for default motion practice).

Thank you for your consideration.

Respectfully submitted,

/s/ Abigail Katowitz

Abigail Katowitz
Assistant Attorney General

Cc via ECF

All counsel of record

Cc via first class mail

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